

Proposed Regulations

The Physical Therapy Board of California proposes to amend title 16 of the California Code of Regulations as follows:

(1) Add Article 13 – Continuing Competency Requirements and Inactive License Status, including:

Section 1399.90 Definitions

For purposes of this article, the following terms have the following meanings:

- (a) “ABPTS” means the American Board of Physical Therapy Specialists.
- (b) “Accredited institution” means an educational institution accredited by the United States Department of Education or by the approval agency of any state.
- (c) “Approval agency” means an entity that reviews and approves providers of continuing education courses and is recognized by the board pursuant to section 1399.95.
- (d) “Approved provider” means a person or entity that offers, sponsors or provides continuing education courses and that is either approved pursuant to section 1399.96 or is an accredited institution.
- (e) “APTA” means the American Physical Therapy Association.
- (f) “CPTA” means the California Physical Therapy Association.
- (g) “Hour” is the unit of measurement for continuing competency and, for courses, means at least 50 minutes of instruction.
- (h) “FSBPT” means the Federation of State Boards of Physical Therapy.

Note: Authority: Sections 2615 and 2676, Business and Professions Code; Reference: Section 2676 and 2684, Business and Professions Code

Section 1399.91 Continuing Competency Required

- (a) As required by this article, a licensee must accumulate 30 hours of continuing competency hours in each license cycle. A licensee must submit evidence of completing those hours to the board in order to renew his or her license. In order to implement this requirement:
 - (1) For licenses that expire between October 31, 2010 and October 31, 2011, if the renewal is submitted prior to the expiration of the original license, 15 hours of continuing competency shall be completed.
 - (2) For licenses that expire on and after November 1, 2011, the full 30 hours shall be completed.
- (b) For first-time license renewals, if the renewal is submitted prior to the expiration of the original license, the continuing competency hour requirements shall be one-half of the normal cycle. The requirements of 1399.93 shall apply to any renewal under this subsection.

(c) For those licensees accumulating “continuing education units” or “CEUs” under the continuing education requirements of APTA and CPTA, one CEU is equal to ten hours.

Note: Authority: Sections 2615 and 2676, Business and Professions Code; Reference: Section 2676 and 2684, Business and Professions Code

Section 1399.92 Content Standards for Continuing Competency

Continuing competency hours must be obtained in subjects related to either the professional practice of physical therapy or patient/client management.

- (a) The professional practice of physical therapy includes professional accountability, professional behavior and professional development.
- (b) Patient/client management includes examination, evaluation and diagnosis and prognosis; plan of care; implementation; education; and discharge.

Note: Authority: Sections 2615 and 2676, Business and Professions Code; Reference: Section 2676 and 2684, Business and Professions Code

Section 1399.93 Continuing Competency Subject Matter Requirements and Other Limitations

For each renewal cycle, a licensee’s continuing competency hours must include the following:

- (a) Two hours in ethics, laws and regulations, or some combination thereof, and
- (b) Four hours in life support for health care professionals. Such training should be comparable to, or more advanced than, the American Heart Association’s Basic Life Support Health Care Provider course.

Note: Authority: Sections 2615 and 2676, Business and Professions Code; Reference: Section 2676 and 2684, Business and Professions Code

Section 1399.94 Authorized Pathways for Obtaining Hours

Continuing competency hours must be obtained through an authorized pathway, which are either traditional or alternate.

- (a) Traditional pathways are those offered by an approved provider. There is no limit to the number of hours which may be accumulated through traditional pathways. The traditional pathways are:
 - 1) continuing education courses, including home and self study courses, approved through an agency recognized by the board under the provisions of regulation section 1399.95; and
 - 2) college coursework from an accredited institution.
- (b) Alternate pathways are those offered by an entity other than an approved provider. Only those alternate pathways described in this section may be used to accumulate continuing competency hours. The number of alternate pathway hours that may be applied for a renewal cycle may not exceed any cap noted below. Hours may be

granted only in accordance with the conversion formula for each alternate pathway noted below.

	<u>Description</u>	<u>Cap</u>	<u>Conversion</u>
A)	<u>Publishing a peer-reviewed journal article, case study, or book chapter.</u>	<u>16 hours</u>	<u>5 hours per article, study or chapter</u>
B)	<u>Developing or presenting an approved college or continuing education course for the first time.</u>	<u>16 hours</u>	<u>4 hours for each course</u>
C)	<u>Participating as a subject matter expert in the examination process for the Board, FSBPT, or ABPTS.</u>	<u>16 hours</u>	<u>16 hours per experience</u>
D)	<u>Serving on a Board appointed task force.</u>	<u>16 hours</u>	<u>16 hours per experience</u>
E)	<u>Performing in a role as a clinical instructor where the student's clinical experience is full time and lasts at least 4 weeks. Effective January 1, 2013, the clinical instructor must be credentialed by APTA or a substantially similar certifying body to receive such credit.</u>	<u>12 hours</u>	<u>1 hour per week</u>
F)	<u>Attending a conference relating to the practice of physical therapy where proof of attendance is provided by the conference sponsor.</u>	<u>8 hours</u>	<u>2 hours per conference</u>
G)	<u>Attending a conference offered by FSBPT, APTA, or a component thereof.</u>	<u>8 hours</u>	<u>4 hours per conference</u>
H)	<u>Attending a Board meeting.</u>	<u>8 hours</u>	<u>2 hours per meeting</u>
I)	<u>Completing a FSBPT practice review tool.</u>	<u>6 hours</u>	<u>6 hours per experience</u>
J)	<u>Successfully passing one of the American Board of Physical Therapy Specialties' certified specialist examinations, including re-certification examinations.</u>	<u>6 hours</u>	<u>6 hours per examination</u>
K)	<u>Completing training as an expert consultant for the Board.</u>	<u>6 hours</u>	<u>6 hours per training</u>
L)	<u>Successfully passing the Board's California Law Examination.</u>	<u>2 hours</u>	<u>2 hours per examination</u>

Note: Authority: Sections 2615 and 2676, Business and Professions Code; Reference: Section 2676 and 2684, Business and Professions Code

Section 1399.95 Standards for Approval Agencies

- (a) An approval agency may be recognized by the board only if the approval agency has met the standards in this section. Once recognized, an approval agency may approve a provider operating consistent with section 1399.96.
- (b) Each approval agency must have the capacity to evaluate each course offered by a provider in accordance with section 1399.96 and shall conduct audits of at least 10% of its approved providers' courses to ensure compliance with this article.
- (c) Each approval agency has a procedure for periodic review of courses to ensure content quality and currency.
- (d) Each approval agency shall have a procedure to respond to complaints.
- (e) Each approval agency shall provide services to all persons or entities without unlawful discrimination.
- (f) Each approval agency that also offers continuing education courses directly to a licensee shall have a means to avoid a conflict of interest between its function as a provider and its function as an approval agency.
- (g) Upon written confirmation from the board that an approval agency has been recognized, the approval agency may advertise that it has been recognized by the board.
- (h) The board may require the approval agency to submit records demonstrating its compliance with this article.
- (i) Failure of an approval agency to substantially comply with the provisions as set forth in this section, or a material misrepresentation to the board, shall constitute cause for withdrawal of recognition by the board. Recognition can be revoked only by the members of the board, after written notice setting forth the reasons for withdrawal and after affording a reasonable opportunity for the approval agency to be heard.

Note: Authority: Sections 2615 and 2676, Business and Professions Code; Reference: Section 2676 and 2684, Business and Professions Code

Section 1399.96 Standards for Approved Providers

Before it may approve a provider, the approval agency shall require that the provider adhere to the following requirements:

- (a) Topics and subject matter for each course shall be pertinent to the practice of physical therapy as required by section 1399.92.
- (b) Instructors for each course shall be competent in the subject matter and shall be qualified by appropriate education, training, experience, scope of practice or licensure.
- (c) Each course shall have a syllabus that includes learning objectives, bibliography and either a schedule, for courses offered in-person, or an outline, for courses offered online.
- (d) Each course shall have written educational goals and specific learning objectives which are measurable and which serve as a basis for an evaluation of the effectiveness of the course.

- (e) When an approved provider works with others on the development, distribution and/or presentation of a continuing education course (joint sponsorship), there shall be procedures to identify and document the functions of each participating party.
- (f) Each approved provider shall periodically review its courses to ensure content quality and currency.
- (g) Each participant shall be given the opportunity to evaluate each course and offer feedback to the approved provider. The approved provider shall consider any such evaluations for the purpose of updating or revising courses.
- (h) Each approved provider has a procedure to respond to complaints.
- (i) Each approved provider provides services to all licensees without unlawful discrimination.
- (j) Each approved provider shall maintain records regarding course content and licensee attendance for a minimum of seven years.
- (k) Each approved provider and instructor shall disclose any financial interest in products recommended during a course.
- (l) Each approved provider shall provide a certificate of completion to attendees.
- (m) Each approved provider shall ensure that any information it disseminates publicizing its continuing education courses is true and not misleading. Such information shall include a statement with the name of the approval agency, that such agency may be contacted about any concerns, any approved provider identification number, and the number of hours for which the course has been approved.

Note: Authority: Sections 2615 and 2676, Business and Professions Code; Reference: Section 2676 and 2684, Business and Professions Code

Section 1399.97 Record Keeping

- (a) Each licensee shall keep and maintain records showing that each course or activity for which credit is claimed has been completed. Those records shall reflect the title of the course or activity, the date taken or completed, and the record of participation.
- (b) Each licensee shall retain such documentation for a period of seven years after the course or activity concludes.
- (c) Each licensee shall provide copies of such documentation to the board or its designee upon request.

Note: Authority: Sections 2615 and 2676, Business and Professions Code; Reference: Section 2676 and 2684, Business and Professions Code

1399.98 Inactive Status

- (a) Upon written request, the board may grant inactive status to a licensee if, at the time of application for inactive status, the license is current and not suspended, revoked, or otherwise punitively restricted by the board.
- (b) The licensee shall not engage in any activity for which a license is required.
- (c) An inactive license shall be renewed during the same time period in which an active license or certificate is renewed. Any continuing education requirements for renewing a license are waived.

- (d) The renewal fee for an active license is the same as the fee to renew an active license.
- (e) To restore an inactive license to an active status, the holder shall do both of the following:
 - 1) Pay the renewal and continuing competency fees.
 - 2) Complete continuing education equivalent to that required for a single renewal period of an active license within the last two years prior to applying to restore the license to active status.
- (f) The inactive status of any licensee does not deprive the board of its authority to institute or continue any disciplinary or enforcement action against the licensee.

Note: Authority: Sections 2615 and 2676, Business and Professions Code; Reference: Section 700-704, 2676 and 2684, Business and Professions Code

1399.99 Exemption from Continuing Competency Requirements

At the time of applying for renewal of a license, a licensee may request an exemption from the continuing competency requirements. The request for exemption must provide the following information:

- (a) Evidence that during the renewal period prior to the expiration of the license, the licensee was residing in another country for one year or longer, reasonably preventing completion of the continuing competency requirements; or
- (b) Evidence that the licensee was absent from California because of military service for a period of one year or longer during the renewal period, preventing completion of the continuing competency requirements; or
- (c) Evidence that the licensee should be exempt from the continuing competency requirements for reasons of health or other good cause which include:
 - 1) Total physical and/or mental disability for one (1) year or more during the renewal period and the inability to work during this period has been verified by a licensed physician or surgeon or licensed clinical psychologist; or
 - 2) Total physical and/or mental disability for one (1) year or longer of an immediate family member for whom the licensee had total responsibility, as verified by a licensed physician or surgeon or licensed clinical psychologist.
- (d) An exemption under this section shall not be granted for two consecutive renewal periods. In the event a licensee cannot complete continuing competency requirements following an exemption, the licensee may only renew the license in an inactive status.

Note: Authority: Sections 2615 and 2676, Business and Professions Code; Reference: Section 2676 and 2684, Business and Professions Code

(2) Amend Section 1399.50, Physical Therapist Fees, as follows:

Pursuant to sections 2688 and 2676 of the code physical therapist fees are fixed as follows:

- (a) The application fee shall be ~~\$50.00. For applications postmarked on or after January 1, 2006, the application fee shall be \$75.00.~~
- (b) The application fee for foreign graduates under section 2653 of the code shall be ~~\$100.00. For applications postmarked on or after January 1, 2006, the application fee for foreign graduates under section 2653 shall be \$125.00.~~
- (c) The examination and re-examination fees for taking the national examination shall be ~~\$280.00. For those applications postmarked on or after December 1, 2005, the examination and re-examination fees for taking the national examination shall be \$380.00.~~
- (d) The examination and re-examination fees for taking the law and regulation examination shall be \$85.00.
- (e) The initial license fee shall be \$75.00.
- (f) The biennial renewal fee shall be ~~\$120.00. For licenses that expire on or after January 1, 2006, the biennial renewal fee shall be \$150.00.~~
- (g) The continuing competency fee shall be \$10 and shall be due with any renewal fee for an active license. This subsection shall be effective for licensing periods beginning on or after 90 days from the effective date of the regulation.
- (gh) The delinquency fee shall be \$75.00.

Note: Authority: Sections 2615 and 2676, Business and Professions Code; Reference: Section 2638, 2688, 2676 and 2684, Business and Professions Code

(3) Amend § 1399.52, Physical Therapist Assistant Fees, as follows:

Pursuant to sections 2688 and 2676 of the code physical therapist assistant fees are fixed as follows:

- (a) The application fee for a physical therapist assistant shall be ~~\$50.00. For applications postmarked on or after January 1, 2006, the application fee for a physical therapist assistant shall be \$75.00.~~
- (b) The examination and re-examination fees for taking the physical therapist assistant national examination shall be ~~\$265.00. For those applications postmarked on or after December 1, 2005, the examination and re-examination fees for taking the national examination shall be \$365.00.~~
- (c) The examination and re-examination fees for taking the law and regulation

examination shall be \$85.00.

(d) The biennial renewal fee for a physical therapist assistant shall be ~~\$120.00. For licenses that expire on or after January 1, 2006, the biennial renewal fee for a physical therapist assistant shall be \$150.00.~~

(e) The continuing competency fee shall be \$10 and shall be due with the renewal fee for an active license. This subsection shall be effective for licensing periods beginning on or after 90 days from the effective date of the regulation.

(f) The delinquency fee for a physical therapist assistant shall be \$75.00.

(g) The initial license fee for a physical therapist assistant shall be \$75.00.

Note: Authority cited: Sections 2615 and 2676, Business and Professions Code.
Reference: Sections 2638, 2676, Business and Professions Code.